

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**ARNUFO O. LABASBAS and
LILLIE LABASBAS,**

Plaintiffs,

v.

**Civil Action No. 3:07-CV-55
(Judge Bailey)**

**SHARI H. ROGERS, AGRICREDIT
ACCEPTANCE, LLC, and
RANDALL E. ROGERS,**

Defendants.

ORDER DIRECTING THE SUBMISSION OF AFFIDAVITS BY PLAINTIFFS

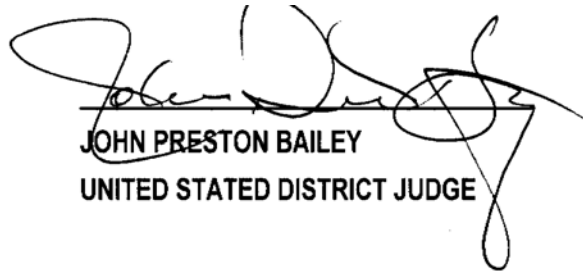
This matter is now before the Court for consideration of the Plaintiffs' Motion to Remand [Doc. 13]. In support of the motion, plaintiffs contend that the amount in controversy falls short of the jurisdictional limit of \$75,000. See 28 U.S.C. § 1332(a). In response, defendants note that, in addition to the claim for compensatory damages, plaintiffs' Complaint [Doc. 1] contains a \$100,000 punitive damage demand. As such, the defendants argue that the amount in controversy, based on the plaintiffs' Complaint [Doc. 1], is well in excess of the jurisdictional requirement of \$75,000.

In recognition of the above, and to the extent that the plaintiffs wish to pursue their Motion to Remand [Doc. 13], the Court **DIRECTS** each plaintiff to file with the Clerk an affidavit setting forth a binding limit on total damages (punitive and compensatory) including fees, if sought, that the plaintiffs will seek and accept in the present action. Pursuant to 28 U.S.C. § 1332(a), the stipulated amount shall not include interest and costs.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to counsel of record.

DATED: August 8, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE